

### REMARKS

In the Office Action dated September 28, 2004, claims 28-30 were identified as containing allowable subject matter. In response thereto, the subject matter of claim 28 was incorporated into each of the independent claims, to place the application in condition for allowance.

While Applicant appreciates the Examiner's indication of allowability, it is respectfully submitted that the subject matter of claim 28 is not the only distinguishing feature of the invention. Accordingly, new claims 59-69 are being presented herein, to provide a scope of coverage to which Applicant believes he is entitled.

More particularly, claim 59 recites a method for producing a color palette. The steps recited in the claim include those of arranging all the achromatic colors in one contiguous grouping within the palette, placing blends of non web-safe chromatic colors in a second contiguous grouping within the palette, and placing web-safe chromatic colors in a third contiguous grouping within the palette. Thus, the result of the claimed method is a palette containing three contiguous grouping of color, namely, achromatic, non web-safe chromatic and web-safe chromatic colors. It is respectfully submitted that the references applied in the rejection of claims 22-27 and 31-58, namely the Adobe Photoshop 6.0 User Guide, the Microsoft Word 2000 Screenshot and Beretta U.S. Patent No. 5,254,978, do not suggest this claimed subject matter, whether considered individually or in combination.

The Adobe reference was cited for its disclosure of distinguishing between web-safe colors and non web-safe colors. However, the reference does not disclose that these two different groups of colors should be arranged in respective contiguous

groupings within a palette. In fact, the cited portion of the User Guide does not contain any indication of the manner in which colors are arranged within the palette.

The Microsoft reference was cited for its disclosure of grouping achromatic colors together. Again, however, it does not disclose an arrangement in which non web-safe chromatic colors and web-safe chromatic colors are arranged in respective contiguous groupings. Rather, as illustrated in screen shot (1), it can be seen that all of the blue colors are arranged together, all the green colors are arranged together, all of the red colors are arranged together, etc. There is no suggestion of separating the web-safe chromatic colors from the non web-safe chromatic colors in respective contiguous groupings.

Similarly, the Beretta patent does not disclose this feature, as acknowledged in the September 28, 2004 Office Action, at the middle of page 3.

Accordingly, it is respectfully submitted that, even if the teachings of all three references were to be combined, there is nothing to suggest a color palette that is arranged such that achromatic colors, non web-safe chromatic colors and web-safe chromatic colors are place in respective contiguous groupings within the palette. As such, the subject matter of claim 59, and its dependent claims, is not rendered obvious by the teachings of these references. For the same reasons, claim 69 is also submitted to be patentable over the references.

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Favorable consideration of all pending claims is respectfully requested.

Respectfully submitted,

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